

Earth Removal Committee

Minutes of 2/21/2024

Carver Town Hall - Meeting Room 4 - 7:00pm

In attendance: Chair S. Hannula, D. Ward, R Shores Jr., M. Harrison
and Town Council G. Corbo

Absent: Vice Chair R. Bentley, J. Mason & Secretary C. Dwyer

Welcome and Rules of Engagement

The meeting was called to order by Chair at 7:01pm. Chair asks for all phones to be silenced and goes on to explain his rules of engagement. Chair announces Area 58, Meg Sheehen, Judy Powell and Josh will be recording.

Approval of minutes 1/31/24

R. Shores motions to accept minutes of 1/31/24, D. Ward seconded the motion to approve minutes.

Vote 4-0 Uniamous

Comments from John Woods, Deputy Director O&M

Chair Hannula states that Mr. Woods could not make it tonight so they will table this to another time when he can be present.

Schedule next meeting date, time & meeting room

Next meeting 2/21/24 at 4pm meeting room 1. R. Shores Jr. makes a motion to approve this date and time, D. Ward seconded the motion

Vote 4-0 Uniamous

Discussion of reimbursing O&M for perma patch

Chair states that the board will discuss this later when John Woods can be present.

Inspector/Agent Discussion

Chair says that it is a slow process, he has been in touch with T.A. and Town Council are working on amending the part time position and job description of Board of Health agent Kevin Forgue. Once they Select Board and Town Council get this job description done, the board will revisit this.

Discussion of recent site walks:

Chair says the first site visit was to the property at A.D. Makepeace Cranberry Co LLC, Map 131, Lot 2-4, located Off Federal Road which has a continued hearing being heard later this evening. The board was there for a little over an hour. Spoke with Bill Madden and 2 or 3 members of the team including the attorney. The members asked some great questions and were pleased with what they saw. The board went to Ms. Bogarts at the entrance to her driveway per her request but didn't see her. Next the board went to the Maki property on Meadow Street and spent about 15 minutes there. The board had good conversation with Mrs. Maki and Dan Nunes who is site Forman for G. Lopes running this project. The driveway and Meadow Street were in fact swept. They will be done with trucking and project by deadline next month and were just about complete. Next was Van Johnson's two properties he has permits on. The board spent about 40 minutes and drove to both properties. Johnson has no more trucking on this properties and spoke of completeing these projects in the coming

months and get an as-built so the permits can be closed. The final visit was to Weston property where SLT has been removing some earth over there. The property has been sloped and seeded but not much growth so he might re seed.

Maki discussion, Board members only

Chair explains that he has a lot of discussion with recording secretary C. Dwyer and the Attorney Zajac for the Lopes/Maki project. Chair explains that both recording secretary and Attorney Zajac provided the Chair with truck slips and there are no violations he can see as far as truck traffic goes. The chair has been there twice and some of the board has been there many more times and there has been no fines given. The board was told by Lopes that they did not haul anything during the cease and desist.

Chair opens the continued public hearing on E.J. Pontiff Cranberries Inc., located at 104 Tremont Street, Map 123, Lot 13-0

D. Ward makes a motion to open the continued public hearing on E.J. Pontiff Cranberries, vote 4-0 unanimous. Attorney Rob Dambroso speaks and says he has presented most information at previous hearing. He does speak about the concerns someone from the audience had at last hearing on of one of the ponds that abuts the first propped bog. The new bogs are to be disrupted at an elevation that is equal to or higher then the elevation of existing bogs meaning this isn't something that is draining anything or that is lower elevation that what is there already. Chair says to the board that he did receive an email a few days prior and an actual copy of the plan for water elevation maps. The Carver Concerned Citizens speaks about the actual necessity to have more bogs and would like to urge the board to deny any permits. R.Shores makes a motion to approve the permit as presented with truck traffic Mon-Fri 7-5 and Saturday 8-1 and 50 loaded trucks a day. There must be a dust

mitigation plan and all this contingent upon D.E.P. finding of Conservation Commission Order of Conditions. If that does change, then applicant will have to come back before the board for amendment. D. Ward seconded the motion.

Vote 4-0 unanimous

R. Shores makes a motion to close this hearing at 8:03pm, D. Ward seconded the motion.

Vote 4-0 unanimous

Public Hearing Continued for A.D. Makepeace Cranberry Co LLC, Map 131, Lot 2-4, located Off Federal Road

R. Shores makes a motion to open this public hearing at 8:03pm, M. Harrison seconded the motion.

Vote 4-0 unanimous

Bill Madden, engineer from G.A.F. speaks about the site visit when the board came and how smooth that went. He states he wants to do the project in 3 stages and he explains that this has all been explained in the prior public hearing last month. Many Carver Concerned Citizens got up and spoke about the aquafor and sand mining. A direct abutter spoke as well with specific requests if permit gets approved. D. Ward motions to approve this plan as presented with hours Mon-Fri 7:30-4 and 7:30-12:00 on Saturday, 50 trucks per day, white noise back up alarms on all equipment, dust control according to plan. R. Shores Jr seconded this motion.

Vote 4-0 unanimous

R. Shores makes a motion to close hearing at 9:05, M. Harrison seconded the motion.

Vote 4-0 unanimous

**Report on formal request for a Cease and Desist at Cranberry Point
Energy located at 31R Main St**

Chair explains this is a large topic of discussion with the chair and Town Counsel and several emails Cranberry Point Energy went through a special permitting process in 2019. If nothing had changed they would have had to get an Earth Removal permit. They went back in front of the planning board and got a reissuance of a special permit in 2023 which exempts them from getting an Earth Removal permit due to the subdivision rule in the by-law that was amended in April of 2022. The chair states this matter will be closed since this falls under special permitting.

**Adjourn Open Session and enter Executive Session (roll call vote)
pursuant to G.L. c. 30A, §21(a)(3):**

- i. To discuss potential litigation with respect to fees assessed in connection with a project by SLT Construction off Spring Street. The committee will not go back into Open Session tonight.

Chair makes a motion to close Open Session and enter Executive Session with a roll call :

Michael Harrison yes

Dick Ward yes

Roger Shores yes

Scott Hannula yes

Vote 4-0 unanimous

Respectfully submitted,

Carol Dwyer, Earth Removal Secretary

Exhibits used during meeting:

- Minutes of 1/31/2024
- packet given to board members including 2 permit applications & plans for continued public hearings being heard.
- Long sheet (has all permits with information)